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NEW YORK NY 10118-0110

EXAMINER

JAMA, I

ART UNIT

PAPER NUMBER

2746

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Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.

08/880,665

Applicant(s)

Hajime Hasegawa

Examiner

Isaak Jama

Group Art Unit

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☒ Responsive to communication(s) filed on Dec 11, 1999.

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

☒ Claim(s) 1-35 is/are pending in the application.

Of the above, claim(s) _____ is/are withdrawn from consideration.

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) 1-35 is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been
☐ received.

☐ received in Application No. (Series Code/Serial Number) _____.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____.

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☒ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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DETAILED ACTION

Claim Rejections - 35 U.S.C. § 112

Claims 1, 2, 3, 5-9 and 16 rejected under 35 U.S.C. 112, first paragraph, as containing subject matter “wait zone” which was not fully described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

Claim Rejections - 35 U.S.C. § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-9, 13-18, 23-25, 27 and 30-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. patent number 5,893,033 (*Keskitalo et al.*) in view of U.S. patent number 5,603,081 (*Raith et al.*)

As to claims 1-9 and 17, *Keskitalo et al.* discloses a mobile communication system comprising:

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A plurality of radio base stations forming a hierarchy of respective cells and effecting a radio channel setting control and a mobile station that accesses and selects one of the base stations for service (Figure 7c, column 6, lines 16-18)

Broadcast means for signaling of channels including the order of priority and in accordance with a traffic density (column 11, lines 19-46)

Each mobile having broadcast receive means (Figure 10, column 17, lines 21-58)

and cell selection means for selecting the cell with the highest priority (column 11, lines 42-46). But *Keskitalo et al.* does not teach that each base station has traffic control means and that the signal measurement means compares the signal to a threshold. *Raith et al.* teaches that each base station comprise a traffic control means (Figure 4, column 9, lines 23-32) and that there is signal strength measuring means for comparing it to a threshold for the channel corresponding to the identification information (column 10, lines 50-53). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to have a traffic channels associated with each base station and that the terminal measures the signal strength with respect to each base station so that the mobile measures each signal strength associated with a base station's traffic channel for the purpose of choosing the one base station with the highest signal strength as was taught by *Raith* in the system of *Keskitalo*.

As to claims 13, 14 and 16 *Raith et al.* discloses a mobile communication system where the mobile does cyclical power measurement of the channels and prioritize according to signal strength (column 44, lines 3-42).

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As to claim 15, the examiner takes official notice that it is well known in the cellular art that the signal strength measured by the mobile represents the status of the communication connection between that mobile and a specific base station and that the one base station whose signal strength is the strongest is chosen to be the current one the mobile is in communication with and subsequently removed from the measurement list. Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to remove the base station with the strongest signal from the measurement list in the system of *Keskitalo* and *Raith*.

As to claims 18, 23-25, 27 and 30-32, the examiner takes official notice that it is well known in the cellular art that in order for the mobile station to access the system and before choosing a base station, it requests a message channel. Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to have the mobile access the system by requesting a messaging channel in the system of *Keskitalo* and *Raith*.

As to claim 26 *Raith et al.* discloses a mobile communication system where the mobile selects a base station to which a request for a message channel was issued (columns 41 and 42, lines 49-67 and 1-9)

Claims 10-12, 19-22, 28, 29 and 33-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. patent number 5,893,033 (*Keskitalo et al.*) and U.S. patent number 5,511,236 (*Raith et al.*) in view of U.S. patent number 5,832,368 (*Nakano et al.*)

As to claims 10-12, *Keskitalo et al.* and *Raith et al.* discloses the Applicant's invention (see discussion above) but *Keskitalo et al.* and *Raith et al.* does not teach a mobile

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communication system where the reception level is added in the broadcast. *Nakano et al.* teaches a system and method where the reception level of each base station is added in the broadcast signal to the mobile station (Figure 7, column 5. Lines 41-46).Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to add the reception levels of each base station in the broadcast in order for the mobile station to prioritize the cell selection in accordance with the reception levels as was taught by *Nakano* in the system of *Keskitalo* and *Raith*.

As to claims 19-22 and 28-29, *Keskitalo et al.* and *Raith et al.* discloses the Applicant's invention (see discussion above) but *Keskitalo et al.* and *Raith et al.* Does not discloses a mobile communication system where the mobile stores announcement, measure and determine if channel reception is higher than a predetermined level. *Nakano et al.* teaches a base station selection scheme where the measures the reception levels of each channel and selects a target base station according to the measured reception levels. Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to have the mobile station collect reception levels of signals from base stations and choose the one with the highest reception level for service as was taught by *Nakano* in the system of *Keskitalo* and *Raith*.

As to claims 33-35, *Keskitalo et al.* and *Raith et al.* discloses the Applicant's invention (see discussion above) but *Keskitalo et al.* and *Raith et al.* does not teach a mobile communication system where the sending announcement in order of priority is based on signal strength reception. It would be advantageous to have reception levels be associated with different

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channels and priority of establishing communication using a specific channel be dependent on signal strength. *Nakano et al.* discloses a method for setting up a perch channel(s) and corresponding reception level(s) and also their respective signal strength being compared to a threshold (Figures 5-12). Therefore it would have been obvious to a person of ordinary skill in the art at the time the invention was made to associate reception levels with corresponding channels in order to establish communication as it was taught by *Nakano et al.* in the system of *Keskitalo et al.* and *Raith et al.*

Response to Arguments

Applicant's arguments with respect to claims 1-35 have been considered but are moot in view of the new ground(s) of rejection.

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Conclusion

Any response to this action should be mailed to :

The Commissioner of Patents and Trademarks

Washington, D.C. 20231

or Faxed to :

(703) 308-6306, (for formal communications intended for entry)

or :

(703) 308-6296 (for informal draft communications, please label

"PROPOSED"

or "DRAFT".)

Hand-delivered responses should be brought to Crystal Park 2, 2121 Crystal

Drive, Arlington, VA.; sixth floor receptionist.

Any inquiry concerning this or other ensuing communication should be directed to the examiner, Isaak R. Jama, whose telephone number is (703) 305-0021. The examiner can normally be reached on Monday-Friday 8:00 a.m - 4:30 p.m (est).

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on (703) 308-4895.

Any inquiry of a general nature or relating to the status of this application should be directed to the Technology Center receptionist, whose telephone number is (703) 305-3900.

Isaak R. Jama

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February 14, 2000

Lee Nguyen 2/14/00

Lee Nguyen
Primary Examiner